

REMARKS

Entry of the above amendments and reconsideration of this application are respectfully requested. Upon entry of the amendments, this application will contain claims 36-60 and 62-65 pending and under consideration. Of these, claims 36-60 and 62 were previously pending. Claims 63-65 are new claims. Because the total number of claims does not exceed the number previously paid for, it is believed that no new claim fees are due. Further, it is believed that the above amendments and the following remarks comprehensively address all outstanding rejections in the application. Accordingly, reconsideration and allowance of the application are requested.

Claims 54 and its dependent claims 55-60 and 62 were rejected in the last Office Action for failing to comply with the written description requirement under 35 USC § 112, first paragraph. As support, the Examiner indicated that the elements of the claims relating to the bonding techniques and materials were not commensurate with the disclosure of the as filed specification. Claim 54 as amended and its dependent claims require the use of collagenous strips that comprise tunica submucosa tissue. It is believed that the rejection of record has been removed from issue and its withdrawal is solicited.

Claims 54 and dependent claims 55-60 and 62 were rejected in the last Office Action for failing to comply with the enablement requirement under 35 USC § 112, first paragraph. As support, the Office Action indicated that the specification does not enable a sufficient number of suitable bonding techniques and materials to support the claims. On the other hand, the Office Action positively indicated a scope of enablement that the Examiner believed was met by the application. The Examiner will note that independent claim 54 has been amended in a fashion similar to the language suggested as enabled by the Examiner. Reconsideration and withdrawal of this rejection are solicited.

Claims 36-45 and 53 were rejected in the last Office Action as being unpatentable over Voytik-Harbin in view of Stinson. The Examiner will note that due to the amendment to claim 36 above, claims 36-44 now require the feature of "said

bioabsorbable collagenous biomaterial provided in an injectable viscous gelatin suspension” in the claimed combination. Neither Voytik-Harbin nor Stinson, nor their combination, suggests this claimed combination. Also, due to the amendment to claim 45, claims 45 and 53 now require in the combination “a bioabsorbable collagenous biomaterial formed into the shape of a coil, said bioabsorbable collagenous biomaterial effective to promote remodeling of tissue of the patient at a site at which said collagenous biomaterial is implanted, said bioabsorbable collagenous biomaterial including at least one biotrophic agent selected from the group consisting of a proteoglycan, a growth factor, a glycoprotein, and a glycosaminoglycan”. Neither Voytik-Harbin nor Stinson, nor their combination, suggests the claimed combination.

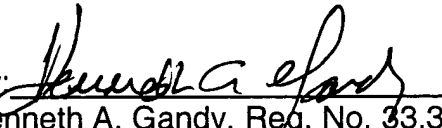
In view of the foregoing amendments and remarks, withdrawal of the rejection of claims 36-45 and 53 over the combination of Voytik-Harbin and Stinson is solicited.

Claims 45-53 were rejected in the last Office Action as being unpatentable over any of Kropp, Whitson and Bonadio, each of them taken with Stinson. These claims were also rejected as being unpatentable over any of Badylak ‘661, Badylak ‘179, Cook ‘158, Fearnot ‘284, Badylak ‘076, each of them taken with Stinson. However, due to the amendment above to claim 45, each of these claims now requires “a bioabsorbable collagenous biomaterial formed into the shape of a coil, said bioabsorbable collagenous biomaterial effective to promote remodeling of tissue of the patient at a site at which said collagenous biomaterial is implanted, said bioabsorbable collagenous biomaterial including at least one biotrophic agent selected from the group consisting of a proteoglycan, a growth factor, a glycoprotein, and a glycosaminoglycan” in the claimed combination. Neither of the reference combinations identified in the Office Action suggests such a claimed combination. Therefore, withdrawal of these rejections is solicited.

The Examiner will note that new claims 63-65 have been added. Claims 63-65 are dependent upon claim 45 and are patentable over the applied references for at least those reasons discussed above in relation to claim 45.

In view of the foregoing amendments and remarks, reconsideration and allowance of this application containing claims 36-60 and 62-65 is requested. The Examiner is requested to telephone the undersigned attorney if the Examiner believes that any rejection remains applicable to the claims of the application, so that the undersigned attorney can be afforded an opportunity to telephonically or personally interview the Examiner prior to the next Office Action.

Respectfully submitted,

By: 
Kenneth A. Gandy, Reg. No. 33,386
Woodard, Emhardt, Moriarty
McNett & Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456